

**15598. Misbranding of Hy'ne. U. S. v. 2½ Dozen Packages of Hy'ne. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22265. S. No. 264.)**

On December 8, 1927, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2½ dozen packages of Hy'ne, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Hy'ne Company, from Chicago, Ill., on or about October 7, 1927, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted of suppositories containing boric acid, salicylic acid, ammonia alum, thymol, quinine, and cacao butter.

Misbranding of the article was alleged in the libel for the reason that the following statements, borne on the labels, (wrapper, box label and circular) "Woman's \* \* \* Remedy," (circular) "The first two or three applications may cause a slight smarting or burning sensation for a few minutes. Pay no attention to this as it will cease after a few applications. The extent of the burning is a criterion of the depth of the disease, as a perfectly healthy person will not experience it in the slightest. \* \* \* For Aches, Pains, or Strains, which may be attributed to the weakness of the genital organs, use one Cone at any time. \* \* \* If the pains do not cease at the end of four hours, use another cone. \* \* \* For excessive flowing, weaknesses, painful menstruation, etc., \* \* \* For suppressed, or irregular menstruation \* \* \* For leucorrhoea or whites use one cone every eight hours for four days, then one each night for a month, or until cured. \* \* \* For womb diseases, unpleasant discharges, inflammations, ulcerations, pains in kidneys or bladder, etc. \* \* \* Hy'Ne may cause a slight burning sensation when first used. Do not be alarmed at this. It will pass away as the parts become healthy. To an absolutely healthy person no sensation is felt. After using for three days syringe the parts well with hot water; in many cases pieces or chunks of tissue will be discharged. Do not be alarmed at this as it is just as it should be. These are the primary causes of local irritation—and it is often necessary to remove these by surgical operation, the only resort in serious cases of Leucorrhoea, etc., except the use of Hy'Ne. \* \* \* as a soothing stimulant or tonic can be used beneficially by every woman. \* \* \* To Replace the Prolapsed Womb \* \* \* a patient can readily replace the womb \* \* \* and by the time the cones have cured engorgement and relaxed vagina there will be no prolapsus," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of accomplishing the results promised. Misbranding was alleged for the further reason that the following statements were false and misleading: (Box label) "Hy'ne is a guarantee of fullest compliance with the Pure Food and Drug Law and meets the highest requirements as to Uniformity, Purity, Efficiency, and therefore reliability," (circular) "Hy'ne is absolutely harmless. It contains no \* \* \* deleterious substances. It is principally of vegetable origin and can be used without fear of injury."

On January 23, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15599. Misbranding of Methyloids. U. S. v. 8 Dozen Bottles of Methyloids. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22233. I. S. No. 14897-x. S. No. 276.)**

On or about December 9, 1927, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 dozen bottles of Methyloids, at Ponce, P. R., alleging that the article had been shipped by Gabriel J. Fajardo, New York, N. Y., on or about July 15, 1927, and had been transported from the State of New York into the Territory of Porto Rico, and was being offered for sale and sold in said Territory, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was composed essentially of methylene blue, sandalwood oil, copaiba balsam, cinnamon oil, and sulphonated oil.

It was alleged in the libel that the article was misbranded, in that the following statements, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton in English and foreign languages) "Gonorrhea, its complications and all cases where a urinary antiseptic is indicated," (circular, Spanish translated) "Urinary Antiseptic and Anti-Blenorrhagic \* \* \* The treatment should be started as soon as the first symptoms of the disease appear and should be continued until its disappearance. \* \* \* This disease does not always yield to internal treatment, sometimes requiring external treatment. \* \* \* In connection with this treatment \* \* \* In any venereal case where the disease does not yield to treatment, medical advice should be taken. Do not forget the danger of propagating this disease even after an apparent cure; medical advice should be obtained in order to be sure that it has completely disappeared."

On February 6, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

**15600. Adulteration of ergot. U. S. v. 18 Bags of Ergot. Consent decree of condemnation and forfeiture. Product released under bond to be exported. (F. & D. No. 21941. I. S. No. 14989-x. S. No. E-6063.)**

On May 31, 1927, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 bags of ergot, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by Hugo Frei, from Hamburg, Germany, into the State of New York, arriving on or about February 14, 1927, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was sold under a name recognized in the U. S. Pharmacopoeia and differed in strength, quality and purity from the pharmacopoeial specifications, in that it had an activity of from  $\frac{1}{4}$  to  $\frac{1}{3}$  of that required by said pharmacopoeia for ergot, in violation of section 7, paragraph 1, of said act.

On October 18, 1927, Harold R. King and W. Russell Howe, copartners, trading as King & Howe, claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it be exported under the supervision of the Collector of Customs.

W. M. JARDINE, *Secretary of Agriculture.*